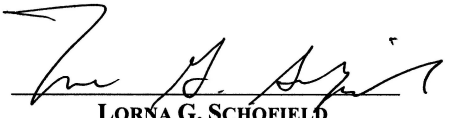


By **February 9, 2024**, Plaintiff shall file any Amended Complaint. Defendant shall answer or otherwise respond to the Complaint or any Amended Complaint by **March 8, 2024**. The initial pretrial conference scheduled for **February 21, 2024**, is adjourned to **March 20, 2024, at 4:00 P.M.** At that time, the parties shall call 888-363-4749 and enter the access code 558-3333. The deadline for the parties to file the joint letter and proposed case management plan is extended to **March 13, 2024**. So Ordered.

**By ECF**

Honorable Lorna G. Schofield  
United States District Court Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Dated: January 30, 2024  
New York, New York



LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE

Re: Larimer v. Lehman College- CUNY, Index No. 23 Civ. 10447 (LGS)

Your Honor:

This Office represents Defendant, the City University of New York (“CUNY”), in the above-referenced matter.<sup>1</sup> I write respectfully, with Plaintiff’s consent, to request that the Court extend CUNY’s time to answer, move or otherwise respond to the Complaint until 30 days after Plaintiff files her anticipated Amended Complaint.

In her Complaint (ECF No. 1), filed on November 30, 2023, Plaintiff asserts claims of gender-based pay discrimination under the Equal Pay Act, 29 U.S.C. § 206(d) (“EPA”) and Title IX of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (“Title IX”). On October 25, 2023, Plaintiff filed a Charge of Discrimination with the U.S. Equal Employment Opportunity Commission (“EEOC”), asserting a claim for gender discrimination in violation of Title VII of the Civil Rights Act of 1964 (“Title VII”) based upon the same allegations underlying her EPA and Title IX claims. An EEOC mediation between Plaintiff and CUNY was scheduled for March 28, 2024. On January 25, 2024, Plaintiff asked the EEOC to cancel the mediation and issue her a right-to-sue notice.

CUNY’s response to Plaintiff’s Complaint is currently due on February 5, 2024. *See* ECF No. 7. However, in her Complaint, Plaintiff states her intention to file an Amended Complaint as soon as she receives her right to sue letter. *See* Compl., ¶ 8 n.1. Accordingly, in the interest of judicial efficiency, and to avoid having to respond to a pleading that will soon be rendered moot, CUNY requests that the Court extend its time to answer, move or otherwise respond to the Complaint until 30 days after the Amended Complaint is filed. Plaintiff consents to this requested extension.

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<sup>1</sup> Lehman College, a senior college in the CUNY system, is not a “legally cognizable entity apart from CUNY.” *Clissuras v. City Univ. of N.Y.*, 359 F.3d 79, 81 n.2 (2d Cir. 2004) (per curiam), *cert. denied*, 543 U.S. 987 (2004). CUNY is thus the sole proper institutional defendant in this action.

Hon. Lorna G. Schofield  
January 26, 2024

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This is CUNY's first request for an extension of time to respond to the Complaint. The only other pending deadlines in this action are the parties' joint letter regarding the nature of the case due February 14, 2024, and the Initial Conference by telephone on February 21, 2024. *See* ECF No. 9. CUNY respectfully requests that those deadlines be adjourned until after its response to the Amended Complaint has been filed. Plaintiff also consents to this requested adjournment.<sup>2</sup>

Thank you for your consideration of this request.

Respectfully Submitted,

/s/ Mark R. Ferguson  
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cc: Counsel of record

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<sup>2</sup> The parties are generally available for a conference except between March 6-8, 2024 and March 21-April 17, 2024.